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A bill to be en

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C. S. A. Cong. House
1st Cong. 2d Sess.
Sept. 24, 1862

[HOUSE BILL, No. 47.]

HOUSE, September 24, 1862.—Read first and second times, placed on Calendar and ordered to be printed.

[By MR. MOORE, from Judiciary Committee.]

A BILL

To be entitled An Act to authorize the President of the Confederate States to institute a commission for the trial and punishment of offences in the armies of the Confederate States.

1 SECTION 1. *The Congress of the Confederate States of*
2 *America do enact,* That the President of the Confederate
3 States is hereby authorized and empowered to institute a
4 commission, to be composed of such persons as he may
5 appoint to accompany each brigade, division or army
6 corps in the field as the President may direct, who shall
7 constitute a court with full and complete jurisdiction to
8 try and punish all offences which may be committed by
9 any officer or soldier against the military, criminal or
10 penal law of the land.

1 SEC. 2. That the said court shall have full and com-

2 plete power and jurisdiction to inflict all the punishments
 3 and penalties which the military law prescribes against
 4 any officer or soldier who shall be found guilty of a vio-
 5 lation thereof, and the said court is hereby invested with
 6 all the power and jurisdiction of courts martial under
 7 and by virtue of the military law of the Confederate
 8 States.

1 SEC. 3. When any officer or soldier shall be adjudged
 2 by said court to be guilty of an offence not punishable
 3 by military law, but which is made a felony by the laws
 4 of the Confederate States, such person shall be punished
 5 according to the penalty prescribed by the laws of the
 6 Confederate States.

1 SEC. 4. That when any officer or soldier shall be ad-
 2 judged by said court to be guilty of an offence not pun-
 3 ishable by the military law of the Confederate States,
 4 nor held to be a felony by the criminal law thereof, but
 5 which is declared to be a felony by the laws of the State
 6 in which the offence was committed, it shall be the duty
 7 of said court to hand such person over to the civil
 8 authorities of such State, to be dealt with according to
 9 the laws thereof.

1 SEC. 5. That if any such officer or soldier shall be ad-
2 judged by said court to be guilty of any trespass to the
3 person or property of the citizen, upon conviction thereof,
4 such person shall be punished by confinement in prison
5 for a period of not more than twelve months, or put to
6 hard labor for the same time, in the discretion of the
7 court.

1 SEC. 6. Where the judgment of said court, under the
2 provisions of this act, shall be the penalty of death, or
3 the cashiering of an officer, such judgment shall be sub-
4 ject to the review and approval of the President, and in
5 all such cases it shall be the duty of said court to keep,
6 or cause to be kept, a true and complete record of the
7 proceedings and proof in the case.

1 SEC. 7. That in order to enable said court to keep,
2 when necessary, a complete record of its proceedings and
3 proof in any case, and to cause all of its process and
4 judgments to be executed, it shall have power to appoint
5 its own clerk and marshal, each of whom shall, before
6 entering on the discharge of the duties of their respec-
7 tive offices, take the oath prescribed by law in such
8 cases and execute bond in the penalty of three thousand

9 dollars conditioned for the faithful performance of their
10 respective duties.

1 SEC. 8. The persons who shall constitute the court
2 aforesaid shall be required, before entering on the duties
3 of their office, to take the oath now prescribed by law
4 in such cases, and in addition thereto take an oath to
5 discharge said duties honestly, faithfully and according
6 to the best of their skill and judgment.

1 SEC. 9. Provided that no judgment rendered under
2 the provisions of this act shall bar any citizen from his
3 right of action against any officer or soldier to recover
4 damages for any trespass to property.

1 SEC. 10. The members of said court shall hold their
2 offices during the war unless, in the judgment of the
3 President, said court should be sooner discontinued, and
4 they shall each receive a salary of one hundred and
5 eighty dollars per month, to be due and payable quar-
6 terly. The salary of the clerk shall be three dollars per
7 day, and that of the marshal five dollars per day.

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